

2FORM PTO-1390
OFFICE
(REV. 1094)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK

ATTORNEY'S DOCKET NUMBER
C1041/7005

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

09/355254

INTERNATIONAL APPLICATION NO.
PCT/EP98/00367

INTERNATIONAL FILING DATE
23 January 1998 (23.01.98)

PRIORITY DATE CLAIMED
23 January 1997 (23.01.97)

TITLE OF INVENTION
PHARMACEUTICAL COMPOSITIONS COMPRISING A POLYNUCLEOTIDE AND OPTIONALLY AN ANTIGEN ESPECIALLY FOR VACCINATION

APPLICANT(S) FOR DO/EO/US
WAGNER, Hermann, LIPFORD, Grayson, B., HEEG, Klaus

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)) with verification of translation.
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(C)(5)).

Items 11. To 16. Below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98 with references.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification (submitted as a first Preliminary Amendment).
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
 - Notification Concerning Informal Communications With the Applicant; International Preliminary Examination Report; Copy of Response to EPO Examiner Halle submitting requested Amended Claims in which the SEQ ID Nos. and sequences have been adapted
 - PCT Request Form PCT/RO/101
 - Nucleotide and/or Amino Acid Sequence Listing
 - Statement Under 37 C.F.R. 1.821(f) with diskette

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U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.53) <div style="font-size: 1.5em; font-weight: bold;">09/355254</div>		INTERNATIONAL APPLICATION PCT/EP98/00367		ATTORNEY'S DOCKET NUMBER C1041/7005	
17. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS <small>PTO USE ONLY</small>	
BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO \$840.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) \$670.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).. \$760.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$970.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$96.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				<div style="border: 1px solid black; padding: 2px;">\$ 840.00</div>	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 X 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<div style="border: 1px solid black; padding: 2px;">\$</div>	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	12 - 20 =	0	X \$18.00	\$	
Independent Claims	5 - 3 =	2	X \$78.00	\$ 156.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+\$260.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 996.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$ 498.00	
SUBTOTAL =				\$ 498.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate coversheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$ 498.00	
				Amount to be: refunded	\$
				charged	\$
a. A check in the amount of \$_____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge by Deposit Account No. <u>23/2825</u> In the amount of \$ <u>498.00</u> To cover the above fees. c. <input checked="" type="checkbox"/> The commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Helen C. Lockhart WOLF, GREENFIELD & SACKS, P.C. 600 Atlantic Avenue Boston, Massachusetts 02210				<div style="text-align: center;"> SIGNATURE </div> <div style="text-align: center; margin-top: 20px;"> <u>Helen C. Lockhart</u> NAME </div> <div style="text-align: center; margin-top: 20px;"> <u>39,248</u> REGISTRATION NO. </div>	